

## **CHAPTER 15 Annexation**

### ARTICLE I - Annexation Procedures

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### **Sec. 15-1. Purpose.**

The purpose of this Chapter is to establish a procedure to bring land under the jurisdiction of the Town in compliance with the Colorado Municipal Annexation Act of 1965, as amended.

(Ord. 26-1992 §1)

### **Sec. 15-2. Responsibilities of applicant.**

In addition to other duties imposed upon all applicants by this Code and the Colorado Municipal Annexation Act of 1965, as amended, all applicants shall have the following responsibilities:

- (1) The applicant is responsible for having a representative at all meetings where the request is reviewed. Failure to have a representative present will be cause to have the item withdrawn from the agenda of that meeting.
- (2) The applicant shall consult with the Town Administrator to discuss any special conditions pertaining to the annexation and to obtain an annexation petition.

(Ord. 26-1992 §1)

### **Sec. 15-3. Preliminary steps.**

- (a) Procedure. At least fifteen (15) days prior to the presentation of any annexation petition to the Board of Trustees, the applicant shall submit to the Town the annexation petition, the annexation fee of three hundred dollars (\$300.00), a minimum of fifteen (15) copies of the master plan and the annexation map and a minimum of five (5) copies of all required supportive information.
  - (1) The Town Administrator shall review all documents submitted for completeness and accuracy. If all documents are complete and accurate, the Town Administrator shall submit the annexation petition to the Town Clerk. The Town Administrator may waive one (1) or more of the requirements described in this Section regarding the submission of a master plan or supporting information when such information is deemed unnecessary or inappropriate given the nature of the proposed annexation. While waived for purposes of initially processing the annexation application, information deleted or missing may be subsequently requested and required if determined necessary by either the Planning and Zoning Commission or the Board of Trustees in the performance of their respective annexation review and approval responsibilities.

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- (2) The Town Clerk shall present the annexation petition and a resolution initiating annexation proceedings to the Board of Trustees who shall thereafter establish a date for a public hearing. Upon the establishment of a public hearing date, the Town Clerk shall give appropriate notice in accordance with the Colorado Municipal Annexation Act of 1965, as amended, and shall specifically direct copies of the annexation petition and the resolution initiating the annexation procedure by certified mail to the Clerk of the Board of County Commissioners and to the County Attorney of the county wherein the territory is located. Copies of the annexation petition and the resolution initiating the annexation procedure shall also be sent by certified mail to any school district or special district having territory within the annexed area. These copies shall be sent at least twenty-five (25) days prior to the public hearing.
- (3) Upon acceptance of the annexation petition by the Board of Trustees, the Town Administrator shall furnish to the following entities copies of the annexation map and the master plan. The Town Administrator may submit copies of the annexation map and the master plan to additional interested entities as determined by the Town Administrator in its sole discretion. Such entities shall be advised by the Town Administrator of the scheduled hearing date and shall further be notified that any objections to the annexation and master plan must be submitted to the Town in writing no later than seven (7) days after receipt of the annexation map and master plan:
  - a. Telephone company.
  - b. Franchise utility companies.
  - c. Town Engineer.
  - d. Fire Department.
  - e. Town Public Works Department.
  - f. State Highway Department.
- (4) The Planning Commission shall review the annexation map, master plan and zoning request at a public hearing and shall submit a written recommendation to the Board of Trustees.
- (b) Annexation map. All annexation maps shall be made with an engineer's scale, minimum scale to be one (1) inch represents one hundred (100) feet, and shall be on a reproducible medium with outer dimensions of twenty-four (24) by thirty-six (36) inches. The annexation map shall contain the following information:
  - (1) The date of preparation, the scale and a symbol designating true north.
  - (2) The name of the annexation.
  - (3) The names, addresses and phone numbers of the applicant and the firm or person responsible for preparing the annexation map.
  - (4) The legal description.
  - (5) Distinction of the boundary that is contiguous to the Town and the length of same.
  - (6) Lot and block numbers if the area is already platted.
  - (7) Existing and proposed easements and rights-of-way.
  - (8) Existing and requested zoning and acreage of each requested zone.
  - (9) Ownership of all parcels within and adjacent to the annexation.
  - (10) Appropriate certification blocks as directed by the Town Administrator.
- (c) Master plan. Every application for annexation shall be accompanied by a master plan which shall reasonably describe the existing and proposed future development of the annexation territory. In the event an applicant desires to obtain zoning, subdivision or other land development approval for the

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annexation territory concurrently with the annexation application as permitted under Section 31-12-115, C.R.S., then the applicant shall timely submit the appropriate applications and plats in accordance with the criteria set out in Chapters 16 and/or 17 of this Code. All master plans shall be presented on a reproducible medium not less than twenty-four (24) by thirty-six (36) inches in size, shall be drawn at a scale not more than one (1) inch equals one hundred (100) feet and shall contain the following information. The master plan may contain more than one (1) sheet.

- (1) The name, address and telephone number of the person who prepared the master plan, along with the date of preparation, the scale and a symbol designating true north.
  - (2) The name of the proposed annexation.
  - (3) The name, address and telephone number of the annexation applicant.
  - (4) All existing and proposed vehicular and pedestrian rights-of-way and easements within or serving the annexation territory.
  - (5) The boundaries, dimensions and numbers of any existing or proposed lots or blocks.
  - (6) All existing and proposed residential and nonresidential densities.
  - (7) All existing and proposed zoning for the annexation territory.
  - (8) All existing and proposed public utility easements, and all sites reserved or dedicated for public facilities or uses, including parks.
  - (9) All watercourses and drainage easements, and a surface grade map utilizing two-foot contours.
- (d) Supportive information. The following supportive information shall be submitted with the annexation map and master plan:
- (1) Soils description and limitation.
  - (2) A preliminary utility plan, including a description of the anticipated need and proposed timing for the extension of the municipal water system to serve the annexation territory. Unless specifically waived in whole or in part by the Board of Trustees during the annexation review and approval process upon a finding that such waiver would serve the best interests of the Town, every applicant for annexation shall, as a condition of annexation approval, be required to dedicate water rights to the Town of a quantity and seniority determined by the Town, upon the expert advice of its water rights consultants and in its sole discretion, to be reasonably necessary and acceptable to supply sufficient water for the current and/or reasonably anticipated land uses within the annexation territory. Alternatively, and at the Town's option, the annexation applicant shall provide a cash payment to the Town in lieu of dedicating the required water rights, such payment to be in an amount determined by the Town, upon the expert advice of its water rights consultants and in its sole discretion, to be reasonably necessary to purchase water rights of sufficient quantity and seniority to reliably provide water satisfying the water service demand, or anticipated demand, of the annexation territory.
  - (3) Mailing addresses of all property owners within three hundred (300) feet of the annexation.
  - (4) An identification and documented description of any water rights associated with the territory proposed to be annexed and the water rights to be dedicated to the Town as a condition of annexation approval.
  - (5) Vicinity map with one and one-half (1½) mile radius, at a minimum scale of one (1) inch represents two thousand (2,000) feet.
  - (6) Statement on community need for proposed annexation and zoning.
  - (7) For all annexations in excess of ten (10) acres, the applicant shall obtain from the school district governing the area to be annexed a statement of the effect of the annexation upon the school

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district, including an estimate of the number of students generated by the proposed annexation and the capital construction required to educate such students.

(Ord. 26-1992 §1; Ord. 14-1998, §1; Ord. 5-2004 §§1, 2)

#### **Sec. 15-4. Annexation impact report.**

- (a) For all annexations in excess of ten (10) acres, the Town shall prepare an impact report regarding the proposed annexation not less than twenty-five (25) days before the date of the annexation hearing. One (1) copy of the impact report shall be filed with the Board of County Commissioners governing the area proposed to be annexed within five (5) days thereafter. The preparation and filing of the annexation impact report may be waived upon approval of the Board of County Commissioners governing the area proposed to be annexed.
- (b) The annexation impact report shall include the following:
  - (1) A map or maps of the Town and adjacent territory showing the following information:
    - a. The present and proposed boundaries of the Town in the vicinity of the proposed annexation.
    - b. The present streets, major trunk water lines, sewer interceptors and outfalls, other utility lines and ditches and the proposed extension of such streets and utility lines in the vicinity of the proposed annexation.
    - c. The existing and proposed land use pattern in the areas to be annexed.
  - (2) A copy of any draft or final pre-annexation agreement, if available.
  - (3) A statement of the Town's plans for extending or providing for municipal services within the area to be annexed.
  - (4) A statement of the Town's plans for the financing of municipal services to be extended into the area to be annexed.
  - (5) A statement identifying all existing districts within the area to be annexed.
  - (6) A statement of the effect of the annexation upon the school district governing the area to be annexed, as is more fully set forth in Section 15-3(d)(7) of this Chapter.

(Ord. 26-1992 §1)

#### **Sec. 15-5. Consideration of annexation ordinance.**

Upon the submission of documentation in accordance with this Chapter and upon compliance with the notice and hearing requirements set forth in the Colorado Municipal Annexation Act of 1965, as amended, the Board of Trustees may consider the approval of an ordinance annexing the subject property to the Town unless an annexation election is required under Section 31-12-112, C.R.S. In the event the Board of Trustees considers and disapproves such ordinance, no similar ordinance annexing the subject property may be heard for a period of one (1) year from the date of such disapproval.

(Ord. 26-1992 §1; Reso. 46-1999; Ord. 5-2004 §3; Ord. 10-2004)

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#### **Sec. 15-6. Final submission.**

In the event the Board of Trustees approves an annexation ordinance as set forth in Section 15-5 above, the applicant shall submit to the Town Administrator two (2) Mylars of the final annexation map and two (2) Mylars of the master plan within ten (10) days of the effective date of the ordinance.

(Ord. 26-1992 §1; Reso. 46-1999; Ord. 10-2004)

#### **Secs. 15-7—15-20. Reserved.**